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E.O. 12958: DECL: 07/14/2018  
TAGS: [PREL](#) [MARR](#) [IZ](#) [TU](#)  
SUBJECT: TURKEY: GOVERNMENT EXTENDS INCIRLIK HUB AGREEMENT,  
BUT ONLY TO END OF 2008

Classified By: Ambassador Ross Wilson for Reasons 1.4 (b,d).

11. (C) Summary: The MFA has extended bilateral agreements on the Air Cargo Hub at Incirlik airbase and related activities only to the end of 2008, anticipating the expiration of UNSCR 1790 (2007), which underpins government approval of those agreements. Extension of those agreements beyond 2008 may require Turkish Grand National Assembly (TGNA) approval, which could be problematic given current political ferment here. We will encourage senior government officials to explore options for extending these key agreements with the goal of preventing any interruption to our Incirlik operations, which provide crucial support to Operations Iraqi Freedom and Enduring Freedom. End Summary

12. (C) In response to our annual request for extension of the bilateral agreement covering the Air Cargo Hub at Incirlik airbase ("Incirlik Hub"), as well as KC-135 refueling operations and FAA navigational aid checks, the Foreign Ministry has informed us that said agreements will only be extended until December 31, 2008. MFA officials have told us that they decided to limit the extension of Incirlik-related agreements to the end of 2008 to coincide with the anticipated expiration of UN Security Council Resolution 1790 (2007). They explained that the Council of Ministers decree authorizing the Incirlik Hub and related operations is based on UNSCR 1790, which has the force of law in Turkey. Should UNSCR 1790 expire and the U.S. successfully conclude Strategic Framework (SF) and Status of Forces (SOFA) Agreements with the Government of Iraq, the international legal underpinning of the government's authorization will disappear and any further extension of the Incirlik Hub and related agreements may have to be submitted for approval by the Turkish Grand National Assembly (TGNA).

13. (C) MFA Americas desk department head Damla Say told us July 3 that four lawsuits have been filed against the government for failing to seek TGNA approval for the Incirlik Hub and related agreements. Three of the suits were dismissed when the government argued that, since UNSCRs have the force of law in Turkey, they are sufficient grounds for enactment of Council of Ministers decrees that do not require parliamentary approval. However, one lawsuit remains active. The MFA wishes to reduce the government's vulnerability to further legal action by limiting the Council of Ministers' extension of the agreements to the duration of UNSCR 1790, realizing that resolution may not be renewed for 2009 if the U.S. successfully negotiates SF and SOFA agreements with the GOI. Say added that the ministry is committed to maintaining the Incirlik arrangements without interruption and her office

is discussing alternatives for extending the agreements beyond 2008 with the ministry's legal experts.

¶4. (C) MFA Americas Director General Vefahan Ocak confirmed July 9 that the MFA is fully committed to ensuring the Incirlik Hub and related agreements are extended without interruption, independent of political developments that may take place in the coming weeks. He argued confidently that, if the expiration of UNSCR 1790 and its replacement by bilateral U.S.-Iraq SF and SOFA agreements as the legal basis for U.S. troop presence in Iraq requires Turkey to submit extensions of Incirlik Hub operations to a parliamentary vote, the TGNA will vote overwhelmingly to extend the agreements. Meanwhile, Ocak asked for additional time for the MFA to explore available alternatives with its legal experts. Much will depend on U.S. success at concluding SF and SOFA agreements with Iraq, he said. Should the U.S. fail to conclude such arrangements and UNSCR 1790 is renewed instead, the Council of Ministers will have no problem extending the Incirlik hub and related agreements without referral to parliament, as it has done so far.

¶5. (C) Ambassador briefly raised the issue of the six-month extension with Deputy Defense Chief Gen Ergin Saygun on July 13. Saygun said he was not sure whether further extension of the Incirlik Hub and related agreements would require parliamentary approval, but promised to investigate further and get back to us.

¶6. (C) Post will continue to work this issue and report as appropriate.

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WILSON